

ATTACHMENT 2. ELIGIBLE APPLICANT DOCUMENTATION

1. Is the applicant a local public agency as defined in California Water Code (CWC) Section 10701(a)? Please explain.

Yes. CWC §10701(a) reads: As used in this part, "local agency" means any city, county, district, agency, or other political subdivision of the state for the local performance of governmental or proprietary functions within limited boundaries.

The Fresno Metropolitan Flood Control District is a special purpose district created by the State of California and approved by local voters. It is tasked with providing storm drainage and flood control services to a 399-square mile area and is funded with a combination of property tax share and fees on development of lands within its service area.

2. What is the statutory or other legal authority under which applicant was formed and is authorized to operate?

CHAPTER 73. FRESNO METROPOLITAN FLOOD CONTROL ACT – “An Act to be known as Fresno Metropolitan Flood Control Act creating a district subject to the approval of the voters within the district, to be known as Fresno Metropolitan Flood Control District, for the purpose of acquiring and constructing facilities for flood control and the drainage of flood, storm and waste waters and the conservation of any thereof, and providing for the government and powers of said district. (Stats. 1955. c. 503, p. 971.)”

FMFCD is further identified as having groundwater management responsibility in the Fresno Metropolitan Flood Control Act, Chapter 73, Section 73.7, through “...the conservation of flood, storm, waste, and other surface waters for beneficial and useful purposes by spreading, storing, retaining, or causing those waters, or any part thereof, to percolate into the soil within or without the district or the saving and conservation in any manner of any or all of those waters.”

3. Does the applicant have the legal authority to enter into a grant agreement with the State of California?

Yes, as provided in SECTION 73-9, CALIFORNIA WATER CODE APPENDIX - §73-9 – Contracts with United States, State, County, etc. Sec. 9, “The district may enter into contracts and do any and all acts necessary or proper for the performance of any agreement with the United States or the State of California or the County of Fresno, the City of Fresno, the City of Clovis, or the Fresno Irrigation District, or any public or private corporation, association, firm or individual, or any number of them for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any levees, works, canals or other property of any kind which might lawfully be acquired or owned by the district, and may acquire the right to carry water through any artificial watercourse, canal, ditch or conduit not owned or controlled by the district, and may grant to any owner or lessee of any such canal, ditch or conduit (including any artificial watercourse used in part for irrigation purposes) the right to the use of any water carried through any such artificial watercourse, canal, ditch or conduit, or any canal,



ditch or conduit of the district. Said district may also agree to indemnify the United States of America, the State of California, or any county, city, or irrigation district which manages, controls, or operates works constructed by or for or used by the flood control district for flood control, drainage or water conservation purposes.(Amended by Stats.1982, c. 661, p. 2684,' 8.)"

4. Describe any legal agreements among partner agencies and/or organizations that ensure performance of the Proposal and tracking of funds.

The work involved in the proposal does not require FMFCD to generate any new agreements, access the facilities or use equipment of other organizations, and does not require any legal agreements with partner agencies and/or organizations to ensure its performance and tracking of funds. FMFCD has three (3) existing agreement with partner agencies to enable the Groundwater Recharge Program. The City of Fresno (Agreement 2-1) and Clovis (Agreement 2-2) each have established "Use of Basins for Groundwater Recharge" Agreements with FMFCD to allow delivery of portions of their surface water entitlements to FMFCD basins. FMFCD has an agreement with the Fresno Irrigation District (FID) (Agreement 2-3) to deliver portions of these entities' allotted surface water entitlements through FID's canals to several FMFCD's stormwater management basins to increase the overall restoration of the local groundwater aquifer.